

Dr. Robert B. Ingram, Vice Chair

SUBJECT: REQUEST THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, DIRECT THE SUPERINTENDENT OF SCHOOLS TO INITIATE RULEMAKING PROCEDURES TO IMPLEMENT A POLICY TO RESTRICT GUNS ON MIAMI-DADE COUNTY PUBLIC SCHOOL GROUNDS

Section 790.115, Florida Statutes (F.S.), Possession of Weapons at School Property, cross-references Section 790.025(5) F.S., regarding Possession in Private Conveyance. The statutes leave the school district responsible for whether or not to prohibit firearms that are legally stored in conveyances by individuals 18 years or older (see attachment).

REVISED

Currently, if a student or staff member who is 18 years or older brings a firearm or weapon that is properly stored in a vehicle or conveyance onto school grounds, there is no violation of School Board Rule or Florida Statute. In fact, Section 790.025(5) F.S., states in part, "...except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges."

School Board Rule 6Gx13- 4A-1.302, Separation-Dismissal or Suspension - All Personnel, states, "No employee, except as legally authorized, or as a part of one's regular job responsibilities, shall bring upon any school property or have in his or her possession, while on any school property any firearm, weapon or destructive device. Any employee in violation of this rule shall be subject to reprimand, suspension, and/or dismissal." At issue is the term "legally authorized." Moreover, the Miami-Dade County Public School Board does not have a written published policy regarding weapons legally stored in vehicles or conveyances. School violence across the nation has been rising and Miami-Dade Schools Police Department documented the confiscation of 24 firearms for 2002, an increase of 20%, as compared to 2001.

Additionally, violence in the work place between employees and others is also another circumstance that may impact school safety. Finally, the Miami-Dade County Public School Board has already taken precautions by authorizing police canines for the purpose of detecting explosive devices and firearms on School Board property. The restriction of weapons on school grounds will give standing to search, and confiscate weapons and firearms by the Miami-Dade Schools Police Department at this vulnerable time relative to Homeland Security.

ACTION PROPOSED BY

DR. ROBERT B. INGRAM: That The School Board of Miami-Dade County, Florida, direct the Superintendent of Schools to initiate rulemaking procedures to revise any existing rules or policies to restrict firearms and weapons on school grounds in accordance with Section 790.111(2)a.3, Florida Statutes. This will further solidify policies and measures of the school district to promote a safe learning environment.

**REVISED
D-5**

FLORIDA STATE STATUTES

FSS 790.115, POSSESSION OF WEAPONS AT SCHOOL PROPERTY cross-references FSS 790.025(5) pertaining to POSSESSION IN PRIVATE CONVEYANCE. The statute leaves the School District responsible for whether or not to prohibit firearms that are legally stored in conveyances by individual 18 years or older.

790.115 Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.--

(1) A person who exhibits any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon, including a razor blade, box cutter, or knife, except as authorized in support of school-sanctioned activities, in the presence of one or more persons in a rude, careless, angry, or threatening manner and not in lawful self-defense, at a school-sponsored event or on the grounds or facilities of any school, school bus, or school bus stop, or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply to the exhibition of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such property or by a person whose presence on such property has been authorized, licensed, or invited by the owner.

(2)(a) A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon, including a razor blade, box cutter, or knife, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on the property of any school, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
2. In a case to a vocational school having a firearms training range; or
3. In a vehicle pursuant to s. 790.25(5); except that school districts may adopt written and published policies that waive the exception in this subparagraph for purposes of student and campus parking privileges.

For the purposes of this section, "school" means any preschool, elementary school, middle school, junior high school, secondary school, vocational school, or postsecondary school, whether public or nonpublic.

790.25 Lawful ownership, possession, and use of firearms and other weapons.--

(5) POSSESSION IN PRIVATE CONVEYANCE.--Notwithstanding subsection (2), it is lawful and is not a violation of s. 790.01 for a person 18 years of age or older to possess a concealed firearm or other weapon for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased or is otherwise not readily accessible for immediate use. Nothing herein contained prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use. Nothing herein contained shall be construed to authorize the carrying of a concealed firearm or other weapon on the person. This subsection shall be liberally construed in favor of the lawful use, ownership, and possession of firearms and other weapons, including lawful self-defense as provided in s. 776.012.